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PATENT

Docket No.: 19226/835 (R-5285, R-5321, R-5323, and R-5356)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Prasad et al.

Serial No. : 09/265,625

Filed : March 10, 1999

For : TWO-PHOTON UPCONVERTING DYES
AND APPLICATIONS

Examiner:
Zinna N. Davis

Art Unit:
1625

#7
JLD
4/4/00

ELECTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the February 11, 2000, written restriction requirement, applicants hereby elect Group II with traverse.

As indicated in the Request for Declaration of Interference, filed October 25, 1999, applicants seek declaration of an interference between all claims of U.S. Patent No. 5,829,448 to Fisher ("448 patent") and claims 290-325 of the present application. The '448 patent has claims directed to a method for the treatment of a particular volume of plant or animal tissue (claims 1-9), a method for the treatment of cancer in living tissue (claims 10-23), and a method of treatment of a particular volume of tissue (claims 24-25, 40-45, 50-55, and 60). Since the '448 application issued with these claims in one patent, a restriction requirement should not be imposed between the similarly claimed subject matter of the present application -- i.e. Group II for a method of the treatment of a particular volume of plant or animal tissue (claims 290-298), Group III for a method of the treatment of cancer in living tissue (claims 299-310), and Group IV for a method of treatment of a particular volume of tissue (claims 311-325). To conclude otherwise would require applicants to submit 2 more continuation applications to put all of claims 290-325 of the present application into interference with subject matter claimed together in the '448 patent. This would waste the resources of all concerned.

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Accordingly, to the extent the restriction requirement puts claims 290-325 in separate invention Groups II-IV, it should be withdrawn.



Respectfully submitted,

Date: March 13, 2000

A handwritten signature in cursive script, appearing to read "Michael L. Goldman".

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date below.	
3/13/00 Date	 Jane G. Wirszyia

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